

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 5: Rio Gallina

Subfile No. CHGA-001-0003

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to vacate the Consent Order filed October 16, 2001 (Doc. No. 6374) in connection with defendant Vivian Suazo and subfile CHGA-001-0003, and as grounds states as follows:

1. The Consent Order filed October 16, 2001 in subfile CHGA-001-0003 does not correctly describe or map the location of the irrigated tracts in Section 24, Township 23 North, Range 1 East, and in Section 19, Township 23 North, Range 2 East.
2. The Consent Order filed October 16, 2001 in subfile CHGA-001-0003 should be vacated.
3. By Order filed September 7, 2004 (Doc. No. 7584) Vivian Suazo Trust has been substituted for defendant Vivian Suazo in these proceedings.
4. Porfiria Jaramilla, successor trustee of defendant Vivian Suazo Trust, has signed and approved a revised Consent Order to be filed with the Court that corrects the errors described in paragraph one above.

5. Defendant Vivian Suazo Trust supports the granting of this motion.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed October 16, 2001 (Doc. No. 6374) in connection with defendant Vivian Suazo and subfile CHGA-001-0003.

Respectfully submitted,

/electronic signature/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion to Vacate Consent Order was mailed to following persons on September 22, 2004.

/electronic signature/
Edward G. Newville

RIO CHAMA SECTION 5 SERVICE LIST

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